

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL No. 1456
)
) CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO ALL CLASS
ACTIONS RELATING TO TRACK TWO
DEFENDANTS

)
) Judge Patti B. Saris
)
)

**AMENDMENT TO TRACK TWO SETTLEMENT
AGREEMENT AND RELEASE**

Subject to approval of the MDL Court, this Amendment to Track Two Settlement Agreement and Release is entered into by and between (i) Class Representatives on behalf of themselves and the Settlement Classes; (ii) the Independent Settling Health Plans (as hereinafter defined) (the “ISHPs” or “ISHP Group”); and (iii) Abbott Laboratories, Amgen Inc., Aventis Pharmaceuticals Inc., Hoechst Marion Roussel, Baxter Healthcare Corp., Baxter International Inc., Bayer Corporation, Dey, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Immunex Corporation, Pharmacia Corporation, Pharmacia & Upjohn LLC (f/k/a Pharmacia & Upjohn, Inc.), Sicor, Inc., Gensia, Inc., Gensia Sicor Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., and ZLB Behring, L.L.C. (collectively, “Track Two Defendants”).

The parties agrees to the following amendments to the Track Two Settlement Agreement and Release (the “Agreement”) dated March 7, 2008, which taken together with the Agreement, now comprise the entire agreement of the parties.

1. Exhibit C1 of the Agreement is amended by annexing a revised form of Short Mailed Notice to Class 1 Consumers with Pre-Paid Reply Card as Exhibit A hereto.
2. Exhibit C2 of the Agreement is amended by annexing a revised form of Long Form Notice to Class 1 Consumers Who Return Reply Card as Exhibit B hereto.
3. Exhibit D1 of the Agreement is amended by annexing a revised form of Short Form Publication Notice to Class 3 Consumers as Exhibit C hereto.
4. Exhibit D2 of the Agreement is amended by annexing a revised form of Long Form Notice to Class 3 Consumers with Claim Form as Exhibit D hereto.
5. Exhibit F of the Agreement is amended by annexing a revised form of Executive Summary of Notice Program as Exhibit E hereto.
6. Exhibit G of the Agreement is amended by annexing a revised form of Full Settlement Notice Program as Exhibit F hereto.
7. Exhibit H of the Agreement is amended by annexing a revised form of Proposed Preliminary Approval Order as Exhibit G hereto.
8. Exhibit K of the Agreement is amended by annexing a revised form of Claims Process Explanation as Exhibit H hereto.

IN WITNESS WHEREOF, the parties hereto, through their fully authorized representatives, have executed this Amendment to the Agreement dated as of April 4, 2008.

Dated: April 4, 2008

Counsel for Defendants

Counsel for Abbott Laboratories and Abbott Laboratories, Inc.

Tina M. Tabacchi

Brian J. Murray

JONES DAY

77 West Wacker Drive, Suite 3500

Chicago, IL 60601-1692

Counsel for Amgen Inc.

Joseph H. Young

Steven F. Barley

HOGAN & HARTSON, LLP

111 S. Calvert St., Suite 1600

Baltimore, MD 21202

Lead Counsel for Plaintiffs

Steve W. Berman (EW)

Steve W. Berman

Hagens Berman Sobol Shapiro LLP

1301 Fifth Avenue, Suite 2900

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

Jeffrey Kodroff (EW)

Jeffrey Kodroff

Spector, Roseman & Kodroff, P.C.

1818 Market Street, Suite 2500

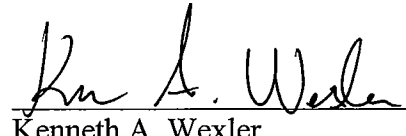

Philadelphia, PA 19103

Telephone: (215) 496-0300

Facsimile: (215) 496-6611

Counsel for Aventis Pharmaceuticals
Inc., Hoechst Marion Roussel Inc.,
Sanofi-Synthelabo Inc., and ZLB
Behring, L.L.C.

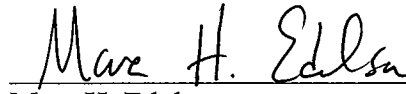

Michael L. Koon
James P. Muehlberger
SHOOK, HARDY & BACON, LLP
2555 Grand Boulevard
Kansas City, MO 64108

Kenneth A. Wexler
Wexler Toriseva Wallace LLP
55 West Monroe Street, Suite 3300
Chicago, IL 60603
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Counsel for Baxter Healthcare Corporation and
Baxter International Inc.

Peter W. Morgan
Merle M. DeLancey
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006

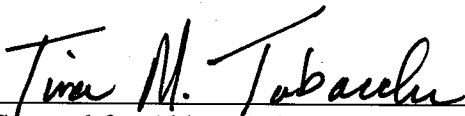
Marc H. Edelson
Hoffman & Edelson
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Counsel for Bayer Corporation, Bayer
HealthCare LLC, and Bayer
Pharmaceuticals Corporation

Richard D. Raskin
Michael Doss
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603

Dated:

Counsel for Defendants


Counsel for Abbott Laboratories and Abbott
Laboratories, Inc. *(by MLK)*
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, IL 60601-1692

Lead Counsel for Plaintiffs

Steve W. Berman
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Counsel for Amgen Inc.
Joseph H. Young
Steven F. Barley
HOGAN & HARTSON, LLP
111 S. Calvert St., Suite 1600
Baltimore, MD 21202

Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Dated:

Counsel for Defendants

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Brian J. Murray

JONES DAY

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Chicago, IL 60601-1692

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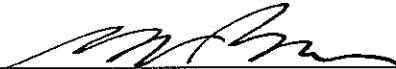
Hagens Berman Sobol Shapiro LLP

1301 Fifth Avenue, Suite 2900

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594



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Joseph H. Young

Steven F. Barley

HOGAN & HARTSON, LLP

111 S. Calvert St., Suite 1600

Baltimore, MD 21202

Jeffrey Kodroff

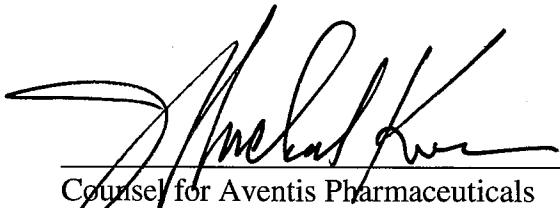
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Philadelphia, PA 19103

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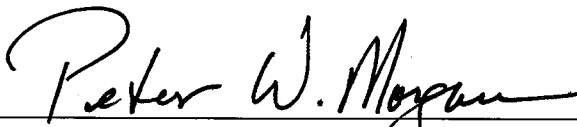
Facsimile: (215) 496-6611



Counsel for Aventis Pharmaceuticals
Inc., Hoechst Marion Roussel Inc.,
Sanofi-Synthelabo Inc., and ZLB
Behring, L.L.C.

Michael L. Koon
James P. Muehlberger
SHOOK, HARDY & BACON, LLP
2555 Grand Boulevard
Kansas City, MO 64108

Kenneth A. Wexler
Wexler Toriseva Wallace LLP
55 West Monroe Street, Suite 3300
Chicago, IL 60603
Telephone: (312) 346-2222
Facsimile: (312) 346-0022



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Baxter International Inc. *(by MLK)*

Peter W. Morgan
Merle M. DeLancey
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006

Marc H. Edelson
Edelson & Associates
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

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HealthCare LLC, and Bayer
Pharmaceuticals Corporation

Richard D. Raskin
Michael Doss
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603

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Behring, L.L.C.

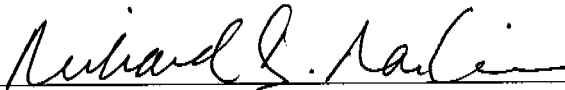
Michael L. Koon
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SHOOK, HARDY & BACON, LLP
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Kansas City, MO 64108

Kenneth A. Wexler
Wexler Toriseva Wallace LLP
55 West Monroe Street, Suite 3300
Chicago, IL 60603
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Counsel for Baxter Healthcare Corporation and
Baxter International Inc.

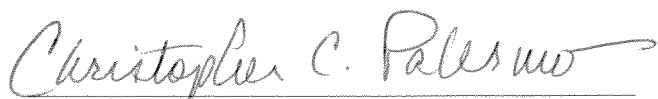
Peter W. Morgan
Merle M. DeLancey
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006

Marc H. Edelson
Edelson & Associates
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735



Counsel for Bayer Corporation, Bayer
HealthCare LLC, and Bayer
Pharmaceuticals Corporation

Richard D. Raskin
Michael Doss
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603



Counsel for Dey, Inc.

Paul F. Doyle

Christopher C. Palermo

KELLEY DRYE & WARREN LLP

101 Park Avenue

New York, NY 10178

Counsel for Fujisawa Healthcare, Inc. and
Fujisawa USA, Inc.

Kathleen H. McGaun

Douglas K. Spaulding

Andrew L. Hurst

REED SMITH LLP

1301 K Street NW

Suite 1100 – East Tower

Washington, DC 20005

Counsel for Immunex Corporation

David J. Burman

Kathleen M. O'Sullivan

PERKINS COIE LLP

1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

Counsel for Dey, Inc.

Paul F. Doyle
Christopher C. Palermo
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, NY 10178



Counsel for Fujisawa Healthcare, Inc. and
Fujisawa USA, Inc.

Kathleen H. McGuan
Douglas K. Spaulding
Andrew L. Hurst
REED SMITH LLP
1301 K Street NW
Suite 1100 – East Tower
Washington, DC 20005

Counsel for Immunex Corporation

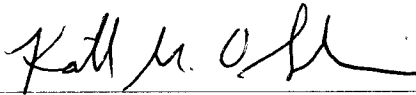
David J. Burman
Kathleen M. O'Sullivan
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

Counsel for Dey, Inc.

Paul F. Doyle
Christopher C. Palermo
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, NY 10178

Counsel for Fujisawa Healthcare, Inc. and
Fujisawa USA, Inc.

Kathleen H. McGaun
Douglas K. Spaulding
Andrew L. Hurst
REED SMITH LLP
1301 K Street NW
Suite 1100 – East Tower
Washington, DC 20005



Counsel for Immunex Corporation

David J. Burman
Kathleen M. O'Sullivan
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099



Counsel for Pharmacia Corporation,
Pharmacia & Upjohn LLC (f/k/a
Pharmacia & Upjohn, Inc.),
Pharmacia & Upjohn Company LLC,
The Upjohn Company, Monsanto Co.,
GD Searle LLC, and Adria Labs

Scott A. Stempel
J.. Clayton Everett, Jr.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Counsel for Sicor, Inc., Gensia Sicor
Pharmaceuticals, Inc., and Gensia, Inc.


Jennifer G. Levy
Michael C. Occhuizzo
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Washington, DC 20005

Counsel for Watson Pharmaceuticals, Inc.,
Watson Laboratories, Inc., Watson
Pharma, Inc., and Schein Pharmaceutical, Inc.
(now known as Watson Pharma, Inc.)

Douglas B. Farquhar
Hyman Phelps & McNamara PC
700 13th St. NW
Suite 1200
Washington, DC 20005

Counsel for Pharmacia Corporation,
Pharmacia & Upjohn LLC (f/k/a
Pharmacia & Upjohn, Inc.),
Pharmacia & Upjohn Company LLC,
The Upjohn Company, Monsanto Co.,
GD Searle LLC, and Adria Labs

Scott A. Stempel
J.. Clayton Everett, Jr.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004



Counsel for Sicor, Inc., ~~Gensia~~ Sicor
Pharmaceuticals, Inc., and Gensia, Inc.

Jennifer G. Levy
Michael C. Occhuizzo
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Washington, DC 20005

Counsel for Watson Pharmaceuticals, Inc.,
Watson Laboratories, Inc., Watson
Pharma, Inc., and Schein Pharmaceutical, Inc.
(now known as Watson Pharma, Inc.)

Douglas B. Farquhar
Hyman Phelps & McNamara PC
700 13th St. NW
Suite 1200
Washington, DC 20005

Counsel for Pharmacia Corporation,
Pharmacia & Upjohn LLC (f/k/a
Pharmacia & Upjohn, Inc.),
Pharmacia & Upjohn Company LLC,
The Upjohn Company, Monsanto Co.,
GD Searle LLC, and Adria Labs

Scott A. Stempel
J.. Clayton Everett, Jr.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Counsel for Sicom, Inc., Gensia Sicom
Pharmaceuticals, Inc., and Gensia, Inc.

Jennifer G. Levy
Michael C. Occhuzzo
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Washington, DC 20005

Dyle B. Farquhar

Counsel for Watson Pharmaceuticals, Inc.,
Watson Laboratories, Inc., Watson
Pharma, Inc., and Schein Pharmaceutical, Inc.
(now known as Watson Pharma, Inc.)

Douglas B. Farquhar
Hyman Phelps & McNamara PC
700 13th St. NW
Suite 1200
Washington, DC 20005

ISHP COUNSEL:

LOWEY DANNENBERG COHEN & HART, P.C.

BY: Richard W. Cohen (EW)
Richard W. Cohen
White Plains Plaza
One North Broadway
White Plains, NY 10601
Telephone: (914) 997-0500
Facsimile: (914) 997-0035

RAWLINGS & ASSOCIATES

BY: Mark M. Sandmann (ES)
Mark M. Sandmann
One Eden Parkway
LaGrange, KY 40031
Telephone: (502) 814-2157
Facsimile: (502) 584-8580

ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.

BY: W. Scott Simmer (ES)
W. Scott Simmer
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402
Telephone: (612) 349-8500
Facsimile: (612) 339-4181

DATED: April 4, 2008